or more different complexes").

Earlier in prosecution (restriction mailed February 4, 2009) applicants were required to elect a "species of display molecule (e.g., polypeptide)" and applicants elected benzodiazepines.

The "e.g. polypeptide" signalled that election of a compound class was sufficient, and the display molecules are not claimed any more specifically now then they were as of February 4, 2009. The examiner accepted the election of benzodiazepines then and we believe that it should still be deemed acceptable.

1.1. Hence, we elect benzodiazepines, with traverse, and we note that all of the claims of the elected group read upon benzodiazepines. We traverse on the ground that generic claims are allowable.

1.2. With regard to the issue of molecular weight, we trust that the examiner appreciates that the benzodiazepines as a class do not have a single molecular weight.

The simplest benzodiazepine is the seven atom diazepine ring (2N, 5C) fused to a benzene ring (adding 4C), so, with only hydrogens attached, it has a molecular weight of about 146 daltons. However, one or more hydrogens may be replaced with other moieties, so benzodiazepines have no fixed upper limit on molecular weight. Of course, as the other moieties become larger, more numerous, and more significant contributors to the compound's properties, it become less helpful to speak of the compound as a benzodiazepine.

The first benzodiazepine synthesized was chlordiazepoxide, with a molecular weight of about 299.75 Daltons. Diazepam has a molecular weight of about 284.7 daltons. Bretazanil has a molecular weight of about 416.3 Daltons.

Since the claims specify molecular weight only as a range, we believe that we should be able to elect a range of molecular weights.

Hence, applicants elect display molecules (benzodiazepines) with a molecular weight of less than 500 daltons.

All claims of the elected group read upon the elected molecular weight range.

The molecular weight restriction is traversed on the ground that generic claims are allowable.

1.3. Counsel consulted with Examiner Lundgren on January 18, 2011 and he indicated that the election of benzodiazepines of less than 500 daltons would be acceptable.

2. The examiner requires election of "a single relationship between the target and identifier oligonucleotide -- see claims 86-96".

These claims relate to how the two are coupled together, which we take to be what the Examiner means by "relationship".

We elect that the relationship is covalent per claims 86-87. (This election would exclude just claim 85).

If further specificity is required, we elect that the bond was formed enzymatically, per claim 87. (This would further exclude claim 86).

If further specificity is required, we elect that the enzyme is a ligase, per claims 90-92 and 94. (No further claims are excluded.)

All claims of the elected group, save those indicated above to be excluded (depending on the degree of specificity required), are generic to or otherwise read upon the elected relationship[1].

The restriction is traversed on the ground that generic claims are allowable.

3. While the examiner concedes only that claim 1 is generic, it is quite clear that many other claims of the elected group do not address the nature of the display

---

[1] Note that claim 13 relates to the reaction of the chemical enties, not the coupling of the oligos.

molecule or the relationship at issue. These apparently include claims 2-5, 10-16, 18-20, and hence these claims should be added to the list of generic claims.

Respectfully submitted,

BROWDY AND NEIMARK, P.L.L.C.
Attorneys for Applicant

By: _____
Iver P. Cooper
Reg. No. 28,005

1625 K Street, N.W.
Washington, D.C. 20006
Telephone: (202) 628-5197
Facsimile: (202) 737-3528
IPC:lms
G:\ipc\g-i\hoib\Thisted1A\thisted1a.ptoelectiontraverse.wpd